THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.16498 OF 2005.

DATED 27-07-2005.

Between

1.Bade Kasulamma and another

...Petitioners

And

1.The Mandal Revenue Officer,

U.Kothapalli mandal, E.G. District

And another

...Respondents

ORDER

This writ petition is filed challenging the impugned action of the respondents in initiating proceedings for demolishing the houses of the petitioners which are under construction and completed upto roof level in Sy.No.68/2B to an extent of 0.01 ½ cents each, situated in Ameenabad village, U.Kothapalli mandal, East Godavari district in pursuance of the impugned notice dated 17-07-2005 upon the instructions of the 1st respondent.

It is the case of the petitioners that they were assigned with the house site pattas to an extent of 0.01 ½ cents each, in S.No.68/2B situated in Amenabad

in the month of November, 2004 and they have been in peaceful possession and enjoyment of the same by raising thatched houses by obtaining loan. The petitioners were also issued possessory certificates after due enquiry and the present construction has been in progress. While so, the M.P.T.C. member started making frivolous complaints against the petitioners as they have not supported him in the recent elections and the 2nd respondent straight away issued the proceedings dated
17-07-2005 and in the guise of the notice, the Panchayat Secretary along with two workers came over the site and marked portion for demolishing the constructions made. Hence the writ petition.

It is submitted by the learned counsel for the petitioners that the impugned order was passed without giving any notice, and it is only in pursuance of the order of the Mandal Revenue Officer, the Panchayat Secretary has issued this notice which is contrary to the principles of natural justice and provisions of the Panchayat Raj Act and hence, the present writ petition is filed on the ground that the respondents have visited the site of the petitioners and measured the land.

In the above circumstances, I deem it appropriate to direct the petitioners to give their explanation to the above said notice of the Panchayat Secretary, dated 17-07-2005 and on such explanation, the respondents are directed to pass appropriate orders in accordance with law after giving notice and opportunity to the petitioners. Till such time, the respondents are directed not to evict the petitioners from the schedule land.

` Accordingly, the writ petition is disposed of.

27-07-2005.

Hsd